



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

February 4, 2020

CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex (614 Main Street) at 7:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins. Absent: None. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Eight staff members and fifteen members of the general public signed the register.

MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Department Overview Presentation: Library.
Electric, City Hall, and Telecommunications presentations were pulled from the agenda.
2. Approval of Tentative Agenda. Department Overview Presentations for Electric, City Hall, and Telecommunications were pulled from the Policy and Planning agenda. Schiebout moved to approve the tentative agenda as amended, seconded by De Jong. On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
3. Appointment of Nathan Guess to the Community Services Board. Branderhorst moved to approve, seconded by Sporrer. On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
BACKGROUND: Mayor DeWaard would like to appoint Nathan Guess to the Community Services Board. Nathan has a passion for recreation, and he would like to use that enthusiasm to support our community. He works for Vermeer as Managing Director in Forage Solutions. Nathan, his wife, and three children have resided in Pella since 2013.
If approved, Nathan's new three-year term would expire on January 1, 2023.
ATTACHMENTS: None
REPORT PREPARED BY: Community Services Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve the appointment
4. Announce closed session pursuant to Iowa Code Chapter 388.9(1) to discuss marketing and pricing strategies or proprietary information of a city utility if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure.
5. Announce closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

***PUBLIC FORUM (for anyone wishing to address Council regarding agenda items)**

No comments were received.

APPROVAL OF CONSENT AGENDA

Bandstra moved to approve the consent agenda, seconded by Schiebout. On roll call the vote was: AYES: 6, NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for January 21, 2020

2. Report of Committees

a. Policy and Planning Minutes for January 21, 2020

PRESENT: Mayor Don DeWaard (via phone), Mark De Jong (via phone), Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 8:02 p.m.

The following staff members presented informational overviews of their departments to Council:

- Police Chief Robert Bokinsky
- Public Works Director Denny Buyert
- Community Services Director Jeanette Vaughan

The presentations included a review of organizational charts, core responsibilities of the departments, and challenges the departments will face over the next two years.

The meeting adjourned at 8:51 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Community Services Board Minutes for November 15, 2019

Present: April Cutler, Stephen Fyfe, Amanda Schwerdtfeger, Arvin Van Zante

Absent: Lauri Amelse, Mike Lyons, Glenn Steimling, Chandler Nunnikhoven

Staff: Jeanette Vaughan, Alex Meyers, Dyan Parker, Brenda Ross

12:06pm Community Services Director Jeanette Vaughan called the meeting to order

Minutes - Motion by Cutler, seconded by Van Zante to approve the Community Services Board Meeting minutes of September 20, 2019.

Motion carried 4-0

Discussion Items

Capital Improvement Project List – Staff reviewed the provided list of upcoming projects currently included in the 5 year CIP and proposed projects to add to the CIP FYs 2020-2024. The Board did not have any suggested changes to the existing CIP as presented. Of the new projects the Board discussed each one and assigned a priority level as detailed below.

High Priority

- Paint Adventure River Bridge: The current bridge is painted black and the railings get very hot. The black edges along the steps also need to be painted for safety. Estimated Cost: \$30,000
- Repairs to Outdoor Fence: Some areas of the fence have been damaged, and the main gate has broken hinges/latches that need to be repaired. Estimated Cost: \$25,000
- Install New BBQ Grills: West Market (2), Fountain Hills, Caldwell (2), South Park. Current grills have rusted out bottoms or are damaged. \$7,000
- New City Tulip Time Float – Existing float is dated, requires internal driver and is extremely difficult to get started each year. There are also safety concerns with the driver sitting near hot components. Staff is recommended starting from scratch with a pull behind trailer option and all new decorations and features. The existing float has not been updated in over 7 years. \$35,000-\$50,000 FY 20/21. The Board feels that it is important for the City to participate in the parade each year to support Tulip Time.
- Pump & Motor Replacements for Outdoor Pool: The outdoor Aquatic Center has 15 pumps and motors from original construction in 2004 and 2008. Staff is proposing to change out 2-3 pumps/motors per year over the next 5 years starting with the Main Pool followed by the River. \$15,000/yr
- Replace playground structure at Lion's park \$80,000 Includes equipment and professional installation. Playground originally installed in 2000. Decking coating is coming off. FY 24/25 – High
- Full engineer's assessment, including structural, mechanical and electrical inspection, of the memorial building to include priority list of needed repairs. Estimated \$20,000. FY 20/21

Medium Priority

- Island Sun Shade: We receive frequent requests for additional shade at the pool, specifically in the area of the adventure river. Addition of a 20' x20' sun shade in the grassy area in the middle of the Adventure River. \$15,000. Board also suggested asking pool patrons next summer where they would like to see additional shade installed. Schwerdtfeger suggested that in the grass alongside the zero entry area might also be a good location.
- Install Space Module Play feature at Fountain Hills to replace the teeter totter that was removed. \$6,500
- Concrete Commodity Bins: Install the appropriate means to store sand, soil, mulch and infields materials for PSP and Soccer Complex. Currently materials are stored in parking lots or on grass until they can be used which takes up parking spaces and damages turf. \$20,000
- Replace Water Fountains: Install new water fountains that include bottle fillers and/or dog bowls at PSP, West Market, Sunken, Central Park. We receive frequent request from the public for updated fountains that include bottle fillers and/or dog bowls. Existing fountains are dated/ugly and in some cases non-ADA compliant. \$14,000. Board suggested that in order to reduce the cost of the project that not all the water fountains needed to have the more expensive dog bowl option.
- Sunken Windmill: New Motor for Blades. The current motor has already been re-built once and is now in need of additional repairs to function. \$5,500 FY 20/21
- Pave drive from parking lot to maintenance shop at the Pella Sports Park - \$90,000 FY 23/24

Low Priority

- Replace River Greenery: Replace the synthetic greenery used around the rocks at the adventure river. Existing greenery has faded and/or degraded. \$5,000
- Equipment: Replace batting cage nets and hitting maps due to normal wear/tear FY 23/24 \$6,000
- New Soccer Irrigation Pump/Controller and convert to Electric Heads and Valves. The current pump does not function well and is frequent need of repairs and the old hydraulic system continues to have issues as well. \$300,000 FY 24/25

On Hold

The Board asked staff to place the two projects listed below on hold until after next summer. While they deemed the projects worth considering, they suggested that Staff go through another summer to test other options. In regards to adding additional concrete and bike racks, the Board suggested moving the bike racks onto the grassy area away from where the patrons line up to enter the pool. The Board feels doubtful whether younger patrons would use the new racks or just continue to lay their bikes on the ground. To keep the patrons from lining up in the parking lot the Board suggested using a less expensive, movable bollard system to encourage patrons to line up on the sidewalk instead of in the parking lot.

- Add larger hard surfaced bike parking area with in-ground bike racks. We currently have a non-permanent bike rack located on grass, but it is not sufficient enough to accommodate the number of bikes during the summer months. \$7500
- Patron Line Control System: Expand concrete area and add stanchions to keep patrons from queuing in the parking lot and blocking traffic. Estimated Cost: \$12,000

Other Business

Fyfe questioned the status of the dog park project. Vaughan reported that at this point that the project still needs to be considered by Council. Vaughan then also reported that the Community Center and uses of Big Rock Park would also need to be further discussed by Council during the upcoming budget.

April Cutler's term is expiring at the end of the current year and she will not be returning. The Board and Staff thanked April for her 6 years of service on the Board.

Adjournment

Motion by Schwerdtfeger, seconded by Fyfe to adjourn the Community Services Board Meeting. Motion carried 4-0

The next meeting is scheduled for Friday, January 17, 2019 at noon in room 206 in the Community Center.

Meeting adjourned at 1:16 pm.

Respectfully submitted:

Dyan Parker

c. Planning and Zoning Commission Minutes for December 9, 2019

Chairperson Landon called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Joe Canfield, Julio Chiarella, Mark Groenendyk, Julie Heerema Mueller, Dave Landon, Robin Pfalzgraf, Gary Van Vark, Ann Visser, and Teri Vos. Absent: Cathy Hausteine and Kisha Jahner. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Three members of the public were in attendance.

APPROVAL OF TENTATIVE AGENDA

Motion by Visser, second by Van Vark to approve the tentative agenda. Motion carried 9-0.

APPROVAL OF MINUTES

Motion by Visser, second by Canfield to approve the minutes of the November 11, 2019 meeting. Motion carried 9-0.

PUBLIC HEARINGS

Consider a Text Amendment to Chapter 165 Relating to Establishing a Definition and Development Regulations for Urban Garden Land Uses

Over the past several months, the Planning and Zoning Commission has provided feedback regarding the development of a new zoning use that would specify regulations for Urban Gardening. This land use request was originated at the request of Sprigs 'n Sprouts, which is a 501(c)3 nonprofit organization that works to supply organically grown produce for the local Pella Food Shelf. The proposed ordinance is expected to go before the City Council on December 17, 2019.

The proposed definition of "Urban Gardens" was developed based on Commission feedback:

"Urban Gardens – Land, or a portion of land, used for the production of food or horticultural crops to be cultivated and harvested on-site. Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site whether vacant or improved. Urban Gardens land uses may be a principal or accessory use. Urban Gardens may only be permitted as an accessory use through the approval of a special use permit."

The proposed ordinance permits "Urban Gardens" by Special Use Permit (S) in the Institutional (INS), Community Commercial (CC), Limited/Light Industrial (M1), and Heavy Industrial (M2) zoning districts. Additionally, "Urban Gardens" would be permitted by right (P) in the Rural Residential (RR) and Agricultural (A1) zoning districts. Staff has revised the proposed ordinance based on feedback from the Planning and Zoning Commission and recommends approval of the proposed ordinance.

Nardini explained that any existing urban gardens would be grandfathered in so that those uses can continue. However, if a use ceases for six months to one year, then the owner would be required to go through the special use permit process in order to resume operation of an urban garden. He further explained that the Board of Adjustment would determine whether the special use permit expires after a specific length of time or runs with the land. Should the Board of Adjustment find that the special use permit is being violated in some way, it has the authority to revoke it.

Convened Public Hearing on the rezoning request. No written comments were received.

In response to a question from Rebecca Helland, the coordinator of Sprigs 'n Sprouts, Zoning Administrator Bryce Johnson clarified that urban gardens land uses may be a principal or an accessory use on a lot.

As no further comments were received, the Public Hearing was closed.

Motion by Chiarella, second by Visser to approve the ordinance as submitted. Motion carried 9-0.

Consider a Text Amendment to Chapter 165, Zoning Regulations to Amend the Permitted Zoning Districts for Amusement Recreation Land Uses

On November 11, 2019, the Planning and Zoning Commission discussed amending the City's zoning code to allow Amusement Recreation land uses in the Commercial Mixed-Use Urban Center (CUC) zoning district. Currently, said use is permitted by right in the Community Commercial (CC), Commercial Planned Development District (CPD), and Limited/Light Industrial (M1) zoning districts. The zoning code defines Amusement Recreation land uses as follows:

Amusement Recreation: Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports or recreation for participants or spectators. Typical uses include driving ranges, miniature golf, theaters, billiard or bowling centers, game arcades, or private skating facilities.

Staff has received a request from a potential business to operate an Amusement Recreation land use type in the Commercial Mixed-Use Urban Center (CUC) zoning district. Currently, the zoning ordinance prohibits the proposed commercial land use from operating in the commercial zoning district. After much discussion with the Pella City Council and Planning and Zoning Commission, the proposed amendment would permit Amusement Recreation land uses by SUP in the CUC zoning district. The special use permitting process would ensure no land use conflicts arise between residential and mixed-use commercial land uses. Based on this information, staff recommends the Planning and Zoning Commission recommend approval of the proposed ordinance to the City Council.

Vos asked for clarification on how Board of Adjustment members are selected and trained. Nardini explained that the Board of Adjustment is comprised of nine members that are appointed by the Mayor and subject to City Council approval. He further explained that the Board of Adjustment is autonomous and its decisions are appealed to District Court, rather than the City Council. The members of this board are trained similarly to the Planning and Zoning Commission.

Convened Public Hearing on the rezoning request. No written comments were received.

As no comments were received, the Public Hearing was closed.

Motion by Canfield, second by Chiarella to approve the ordinance as submitted. Motion carried 9-0.

NEW BUSINESS PROPOSED

Consider a Site Plan to Resurface an Existing Granular Area at Vermeer Corporation

Vermeer Corporation is requesting a site plan be approved to resurface 37,930-square feet of existing granular area for outdoor storage purposes. The project is located on the north side of, and in between, Plants 2 and 3. It is important to note that the subject area is currently used for outdoor storage on gravel.

Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff is recommending the site plan be approved as submitted.

Motion by Pfalzgraf, second by Visser to approve the site plan as submitted. Motion carried 9-0.

OTHER BUSINESS/PUBLIC FORUM

Work Session to Discuss Potential Text Amendments to Chapter 165 of the Zoning Ordinance and Chapter 170 of the Subdivision Ordinance

The purpose of this work session is to discuss potential amendments to the City's Zoning Code. The goal is to help streamline and strengthen the development process, reduce the number of meetings, and allow staff to spend more time being proactive by taking a lead in planning-related activities. Additionally, some of these amendments will eliminate redundancies and contradicting language. Staff would like to receive feedback from the Commission regarding the proposed text amendments to Chapter 165, Zoning Regulations, and Chapter 170, Subdivision Regulations.

Amend Chapter 165.36.2.B, Size Exemption for Site Plan Review.

Currently, this code section exempts projects under 2,000-square feet from the site plan review process. Staff recommends adding the following language to this code section:

Expand the site plan exemption to projects for parking lot expansions and hard surfacing granular areas. It is important to note that the Planning and Zoning Commission has reviewed 11 site plans since 2017 for projects requesting to expand existing parking lots or resurface granular areas, all of which have been unanimously approved.

Nardini explained that the proposal is to expand the site plan exemption to parking lot expansions and hard surfacing granular areas for those parking lots that are accessory uses.

Amend Chapter 165.42.3.H, Minor Modifications.

Staff recommends this code section be amended to repeal the review of minor modifications by the Board of Adjustment. Staff recommends the City's department review team be the initial review entity for these requests. It is important to note that since 2017, when this provision was implemented, the Board of Adjustment has reviewed nine minor modification requests, all of which have been unanimously approved. It is also important to note that these requests may only be submitted for residential properties and allow a small reduction from the zoning code's setback and height requirements. If amended, these requests will be processed the same, which includes publishing a legal notice, sending property owner letters, and holding a public hearing. However, with this amendment, the public hearing would be an administrative hearing held by staff. Should someone wish to appeal staff's decision, they can then take the matter to the Board of Adjustment for review. The Commission requested that staff provide a list of minor modifications that the Board of Adjustment reviews.

Amend Chapter 165.38, Amendment Procedures.

Staff recommends this code section be amended to repeal provision 165.38.2.F, which states a voluntary petition may be submitted with rezoning applications. This proposed amendment has been continuously discussed by the Planning and Zoning Commission throughout 2019. Neighboring property owners would still receive notification of the rezoning through letters, as well as through publication of a legal notice. Nardini explained to the Commission the information that is included in the letters sent to neighboring property owners. At the request of the Commission, staff will provide the Commission with a sample of a rezoning notification letter.

Amend Chapter 165.36.2.A, Site Plan Review Required.

This code section requires "any person developing land located within the corporate limits shall submit a site plan." Staff recommends this code section be amended to require site plans be submitted for land development projects within the City's zoning jurisdiction.

Amend Chapter 170.11.9, Subdivision Minimum Design Standards (Cul-De-Sac).

Staff recommends reducing the radius of the circular turnaround portion of a cul-de-sac from 55 feet to 45 feet. This will align the City Code with the requirements of Iowa Statewide Urban Design and Specifications. The Commission requested additional information from staff regarding this amendment in order to ensure that larger vehicles, such as fire and garbage trucks, have adequate room to turn around.

Other

Canfield stated that the monument sign for Burger King, located at 1500 Washington Street, is not visible from Washington Street, heading east, due to the difference in elevation of the lot to the roadway. He asked whether taller signage for the business would be allowed in this instance. Johnson replied that the business could choose to install a sign that is the height of nearby restaurants, such as Applebee's or Culver's. Nardini proposed discussing sign dimensions in relation to road elevation with the Commission at a future meeting.

Canfield proposed looking into paving more existing roads within the City's two-mile jurisdiction as a way to encourage development.

Nardini said that future areas of development will be identified during the Comprehensive Plan update process, which could potentially include paving additional roads.

Adjourned at 8:05 p.m.

d. Board of Adjustment Minutes for December 16, 2019

Chairperson Vander Wert called the Board of Adjustment to order at 6:02 p.m. in the Public Safety Complex. Members present were: Vince Nossaman, Susan Reiter, Merlan Rolfs, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra. Absent: Jim Corbett. Staff present: Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Four members of the public were in attendance.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Vander Meiden to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Reiter, second by Nossaman to approve the November 11, 2019 minutes. Motion carried 6-0.

NEW BUSINESS/PUBLIC HEARINGS

Consider a Special Use Permit to Operate a Stable and/or Riding Academy Business at the Property Located Approximately 358 Feet South of the Intersection of County Highway G28 and 195th Avenue

Robert Vermeer has submitted a Special Use Permit (SUP) application to operate a Stable and/or Riding Academy business at his property located near the intersection of County Highway G28 and 195th Avenue in the Rural Residential (RR) zoning district. This land use is defined as "buildings, pens, and pasture areas used for the boarding and feeding of horses, llamas, or other equine animals not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equines for hire." It is important to note that the proposed land use is permitted by right in the A1 zone and by SUP in the RR zone. If approved, the applicant

intends to provide therapeutic riding instruction, horse management, and training. Based on the business plan provided, the intention of the proposed business is to provide hippotherapy, or horseback riding, as a rehabilitative treatment. Staff believes the proposed business will complement the nature of the RR zoning district. Additionally, the proposed use will be operated in an enclosed structure that is similar in size to the previous pole barn at this location, which is likely to reduce the overall impact on the neighborhood and surrounding properties. Furthermore, the Board of Adjustment has the authority to place additional conditions on the property to ensure land use compatibility or revoke the SUP in the case issues arise. For these reasons, staff recommends approval of the SUP.

Convened Public Hearing on the SUP request.

No written comments were received.

The applicant, Bob Vermeer, and his daughter, Allison Van Wyngarden, spoke in favor of the SUP and answered questions from the Board. Van Wyngarden explained she will offer hippotherapy, which is physical and occupational therapy on horseback. She stated that she offers hippotherapy five hours per day, two days per week, with one rider and up to three volunteers at a time. She does intend to offer group lessons in the future.

Zoning Administrator Bryce Johnson stated that staff is not recommending limiting business hours for the SUP.

Motion by Reiter, second by Nossaman to close the Public Hearing as no further comments were received. Motion carried 6-0.

Motion by Reiter, second by Rolffs to approve the Special Use Permit request as submitted. Motion carried 6-0.

OTHER BUSINESS/PUBLIC FORUM

The next meeting is scheduled for January 14, 2020. However, this date may change, depending upon the Board's availability.

Adjourned at 6:30 p.m.

3. Petitions and Communications

a. Renewal of Class E Liquor License with Class B Wine Permit and Class C Beer Permit (Carryout Beer) for Fareway Stores, Inc. #995

BACKGROUND: Fareway Stores, Inc. #995, located at 2010 Washington Street, has applied for renewal of their Class E liquor license with Class B wine permit and Class C beer permit (carryout beer). The term of the new license is 12 months and, if approved, would expire on March 21, 2021. The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Approve renewal

***PUBLIC HEARINGS**

1a. Public Hearing to consider a Rezoning Application to change the zoning of the property located at 405 Truman Road from Limited/Light Industrial (M1) to Community Commercial (CC).

No written comments were received.

One oral comment was received from a Council member.

Schiebout moved to close the public hearing, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

1b. Ordinance No. 973 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY MODIFYING THE BOUNDARIES OF THE CC DISTRICT TO INCLUDE THE PROPERTIES LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

Branderhorst moved to place ordinance no. 973 on its first reading, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: Jacque Zondervan has submitted a rezoning application to change the base zoning district of the property located at 405 Truman Road from Limited/Light Industrial (M1) to Community Commercial (CC). The subject property is currently used as amusement recreation and daycare land uses. As further background, the existing daycare was required to obtain a special use permit (SUP) to operate at this location. The SUP will continue to run-with-the-land up until operations cease for six months. The applicant has indicated their need to move their retail furniture store, known as Bruxvoort's Decorating Center, to a larger facility. Additionally, retail land uses are prohibited in the M1 zoning district but are permitted by right in the CC zoning district, which is the reason for the rezoning request.

CURRENT ZONING

The subject property is currently located within the M1 zoning district. This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

PROPOSED ZONING

The requested zoning classification for this property is CC. The zoning code states that this district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

REZONING PETITION

Chapter 165.38 of the City Code recommends the applicant obtain a petition with signatures from 50% of property owners within 300 feet of the proposed rezoning for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. A rezoning petition was not received with this application.

SPOT ZONING CONCERNS

Staff does not believe spot zoning concerns are associated with this request since the surrounding area is composed of similar commercial land uses and other CC zones are located in close proximity to the subject property. It is important to note that the City Attorney has reviewed this application and verified spot zoning is not a concern for this rezoning application.

Adjacent Base Zoning Districts
North, South, East, West: all Limited/Light Industrial (M1)
COMPREHENSIVE DEVELOPMENT PLAN

Chapter 165.04 of the City Code requires the proposed rezoning to conform to the City's Comprehensive Plan. A component of the Comprehensive Plan is the Future Land Use Map, which identifies the subject property as commercial land uses. It is important to note that the Comprehensive Plan also indicates commercial land uses should provide a variety of freestanding commercial, shopping center, and office land uses with a focus on retail activity on larger lots. Lastly, commercial land use types outlined in the Comprehensive Plan are most commonly zoned CC in the City's current zoning map classification system.

It is also important to evaluate rezoning requests for potential land use conflicts using Table 1.5 – Land Use Compatibility Matrix. This table uses a rating scale of 1 (incompatible) to 5 (completely compatible) to measure the relationship between land uses and their compatibility with each other. This said, Table 1.5 rates the land compatibility of the proposed rezoning a four meaning basically compatible. Given that the Future Land Use Map identifies the subject property for commercial land uses, staff believes the rezoning request complies with the City's Comprehensive Plan.

STAFF RECOMMENDATION

Staff believes the rezoning request meets the requirements of the City's Zoning Code and is consistent with the City's Comprehensive Plan. Therefore, staff is recommending approval of the rezoning application as submitted and presented. Finally, it is important to note that the Planning and Zoning Commission unanimously approved this ordinance during their meeting on January 27, 2020.

ATTACHMENTS: Ordinance, Application, Aerial Map, Zoning Map, Future Land Use Map

REPORT PREPARED BY: Zoning Administrator

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Approve ordinance

PETITIONS & COMMUNICATIONS

1. Sara André, Architectural Historian, and Paula Mohr, Architectural Historian and Certified Local Government Coordinator, provided a presentation regarding the Certified Local Government (CLG) Program and answered questions from Council. No formal Council action was taken.

BACKGROUND: The Historic Preservation Commission has requested the State Historic Preservation Office give a presentation to Council regarding the Certified Local Government Program (CLG). As background, acceptance into the CLG Program would make the City of Pella eligible for funding, training, technical assistance, and access to a supportive network of other preservation-minded communities. Additionally, Iowa receives an annual appropriation from the Federal Historic Preservation Fund and at least 10% of that federal funding is available to participants of the CLG Program in the form of grants. Certified Local Governments also qualify for Historical Resource Development Program grants. During this meeting, Paula Mohr, Architectural Historian and Certified Local Government Coordinator, and Sara André, Architectural Historian, will be in attendance to provide a brief presentation on the program and answer questions from the Council.

ATTACHMENTS: None

REPORT PREPARED BY: City Administration

REVIEWED BY: City Administrator, City Clerk

RECOMMENDATION: Informational item only

RESOLUTIONS

1. Resolution No. 6063 entitled, "RESOLUTION MAKING AWARD OF CONTRACT FOR THE WASTEWATER TREATMENT PLANT 2019 UPGRADES."

De Jong moved to approve, seconded by Hopkins.

On roll call the vote was:

AYES: 5 (De Jong, Hopkins, Sporrer, Branderhorst, Bandstra)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

BACKGROUND: This resolution awards the contract for the Wastewater Treatment Plant 2019 Upgrades Project in the total amount of \$5,998,000 to WRH, Inc. As background, these upgrades are required to meet the new Iowa Department of Natural Resources (IDNR) permit and schedule. The IDNR permit included more stringent requirements for ammonia, E. coli, and dissolved oxygen. In addition, as part of the Facility Plan requirements, the City needs to address several plant repairs to maintain efficient operations for the next 20 years while upgrading the treatment plant.

Listed below is a summary of the major components of this project:

1. Equalization Basin – Provide and install a flow measurement vault.
2. Headworks – Demolish the existing macerators and install a multi-rake screen and wash in a new annex to the existing Grit Building.
3. Activated Sludge Basins – Rehabilitate the four activated sludge basins.
4. Tank Drainage Pit – Replace the existing pumps and repair the tank drains.
5. Process Building – Replace the existing centrifugal aeration blowers, the existing RAS pumps, and associated RAS piping.
6. Final Clarifiers – Construct a new splitter box and a new final clarifier 3. Repair final clarifiers 1 and 2.
7. Ultraviolet Light Disinfection (UV) – Replace the existing UV system and modify the basins as required.
8. Sludge Thickeners – Blast and paint the sludge thickener flights.
9. Sludge Storage Tank – Repair the sludge storage tank roof and exterior walls.
10. General Plant Repairs – Repair brick and capstones, window gasket removal/replacement, glazing and gasket removal/replacement, and other work as indicated on the drawings.
11. Miscellaneous site improvements and grading.
12. Associated piping, electrical, controls, mechanical, structures, equipment, and other work as indicated on the construction documents.

The bid opening for the project was held on January 14, 2020; three bids were received. These bids, summarized below, were accepted by Council on January 21, 2020 while consideration of the award was continued until February 4, 2020 in order to secure financing.

| | |
|--------------------|-------------|
| Contractor | Bid |
| WRH, Inc. | \$5,998,000 |
| Story Construction | \$6,148,000 |
| Henkel | \$6,230,000 |

After reviewing the bid proposals and checking references, Fox Engineering, the project engineer, recommends awarding the contract to the lowest responsible bidder, WRH, Inc., as listed in the total amount of \$5,998,000. It is important to note that the engineer's opinion of probable costs was \$4,894,000. Furthermore, the engineer does not believe rebidding the project would produce more favorable bid prices due to the current bidding climate, as further explained in the attached letter of recommendation.

Staff is in agreement with the engineer's recommendation. In addition, staff has revised and submitted the Intended Use Plan (IUP) application reflecting the higher bids received. Furthermore, staff has received confirmation from the IDNR that the City will be able to obtain state revolving loan financing for the additional construction costs.

If approved, listed below is the tentative timeline for the project:

| | |
|--------------------------|-------------------|
| Notice to proceed issued | February 18, 2020 |
| NPDES permit compliance | July 1, 2021 |
| Completion date | October 29, 2021 |

Finally, when the IDNR first mandated these improvements, staff believed the overall rate increase necessary to fund these improvements was between 25% and 30%. Staff now believes the overall rate increase for this project will be approximately 35% and will need to be evaluated on an annual basis.

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|---------------------|---|
| ATTACHMENTS: | Resolution, Engineer's Recommendation, Bid Tabulation |
| REPORT PREPARED BY: | Public Works Department |
| REVIEWED BY: | City Administrator, City Clerk |
| RECOMMENDATION: | Approve resolution |

2. Resolution No. 6064 entitled, "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT WITH SOUTH MAIN I, LLC., AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF."

Branderhorst moved to approve, seconded by Bandstra.

On roll call the vote was:

AYES: 5 (Branderhorst, Bandstra, Schiebout, Sporrer, De Jong)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Hopkins)

Motion carried.

BACKGROUND: This resolution fixes the date of February 18, 2020 for a public hearing to consider a first amendment to the agreement for private development with South Main I, LLC. As background, in December of 2018, Council approved this development agreement which included 42 housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, extensive landscaping, and a community building. The location of the project is the former Webster School site on south Main Street and is approximately three acres in size. The overall estimated cost of the development is approximately \$16.5 million.

Due to construction delays, the developer is requesting to extend the deadlines for construction of both the first and second phases of the development as follows:

- First phase: from March 31, 2020 to November 1, 2020
- Second phase: from June 20, 2021 to October 1, 2022

In summary, staff is recommending approval of this resolution setting the public hearing date of February 18, 2020 to consider the first amendment to the agreement for private development with South Main.

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|---------------------|--|
| ATTACHMENTS: | Resolution, First Amendment to the Development Agreement |
| REPORT PREPARED BY: | City Administration |
| REPORT REVIEWED BY: | City Administrator, City Clerk |
| RECOMMENDED ACTION: | Approve resolution |

CLAIMS

1. Abstract of Bills No. 2048.

Schiebout moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

OTHER BUSINESS / *PUBLIC FORUM (any additional comments from the public)

Comments were received and addressed.

At 8:05 p.m., Council went into the Policy and Planning meeting to receive the Library Department Update Presentation, ending at 8:18 p.m.

CLOSED SESSION

1. At 8:18 p.m., Schiebout moved to enter into closed session pursuant to Iowa Code Chapter 388.9(1) to discuss marketing and pricing strategies or proprietary information of a city utility if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure, seconded by Branderhorst.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
At 9:59 p.m., Schiebout moved to reconvene to regular session, seconded by De Jong.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
No action was taken regarding this closed session.
2. At 10:00 p.m., Schiebout moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, seconded by Hopkins.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
At 10:14 p.m., Branderhorst moved to reconvene to regular session, seconded by De Jong.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
No action was taken regarding this closed session.

ADJOURNMENT

There being no further business claiming their attention, De Jong moved to adjourn, seconded by Schiebout.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.
Meeting adjourned at 10:17 p.m.